



Metropolitan Police Department
Office of Professional Responsibility
Civil Rights & Force Investigations Division
MOA Compliance Monitoring Team



Metropolitan Police Department
and
U. S. Department of Justice

Memorandum of Agreement
Progress Report



JULY 10, 2003

Nothing endures but change.
-Heraclitus

Introduction

In January 1999, Chief Ramsey and District of Columbia Mayor Anthony Williams asked the United States Department of Justice to review the Metropolitan Police Department's (MPD) practices as they related to police use of force. In March 2001, the U.S. Department of Justice (DOJ) concluded its review, and later entered into a Memorandum of Agreement (MOA) with the District of Columbia and the Metropolitan Police Department. The Agreement built upon the work MPD started during the course of the review, and provided that an Independent Monitor would evaluate the implementation of the Agreement. When the balance of the reforms contained in the Agreement are implemented, the Metropolitan Police Department will be a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

This quarterly report reflects MPD's Memorandum of Agreement activity from April 1, 2003, through June 30, 2003.

This progress report is the sixth submitted by the Department's Compliance Monitoring Team (CMT). The Compliance Monitoring Team, part of the Office of Professional Responsibility (OPR), was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement. This quarterly report reflects MPD's Memorandum of Agreement activity from April 1, 2003, through June 30, 2003.

MPD's quarterly reports are required by the Memorandum of Agreement (MOA Paragraph 175), and have been designed by the MPD to share its MOA-related activities not only with the U.S. Department of Justice and the Office of the Independent Monitor (OIM), but also throughout the Metropolitan Police Department and the citizenry at large. Furthermore, there is an addendum to this quarterly report that lists all of the MOA's paragraphs and the status of each item.

The Metropolitan Police Department continues to be pleased with the progress made by the Department during this reporting period. However, during the beginning portion of this reporting period, the Department was required to focus on world events and local priorities that stemmed from these events.

As reported in our last quarterly report, on March 20, 2003, the Metropolitan Police Department notified DOJ that due to the onset of the war with Iraq and the high risk of terrorist attacks as outlined in the National Threat Level System, Chief Ramsey declared an emergency effective Wednesday, March 19, 2003. DOJ was assured, however, that the Memorandum of Agreement remained critically important to the Department, and MPD maintained its focus on the MOA during this time.

On Tuesday, April 15, 2003, the emergency declaration was lifted, and the MPD Institute of Police Science (IPS) continued its enhanced FY2003 annual in-service training program, and completed specialized training on MOA-related initiatives for sergeants and higher-ranking members both of which had been canceled due to the aforementioned emergency.

This quarter, MPD continued to focus a great deal of its MOA-related efforts on the Personnel Performance Management System (PPMS).

This quarter, MPD continued to focus a great deal of its MOA-related efforts on the Personnel Performance Management System (PPMS). MPD has been working with the Department of Justice to renegotiate the outstanding deadlines surrounding the PPMS Project. Most notably, MPD held a briefing for both DOJ and the Office of the Independent Monitor on May 15, 2003. The briefing presented MPD's PPMS project methodology, staffing plan, proposed project schedule, and estimated budget. Chief Ramsey, along with numerous members of MPD Command Staff attended the briefing. DOJ commented in their June 18, 2003 letter to MPD that they found the briefing "informative," and said they are "encouraged by MPD's indication that it is fully committed to implementing the PPMS in an efficient and timely manner." Efforts regarding PPMS are discussed in more detail later in this report.

MPD also continued its discussions with both DOJ and the OIM surrounding MPD's Canine Unit this quarter. As previously reported, issues had been identified by an internal MPD-review that required discussion. The OIM's latest quarterly report also raised concerns regarding the understanding of MPD's "Handler-Controlled Alert Methodology" and on-lead deployments. During this quarter, MPD met with DOJ on several occasions to address the concerns that had been raised. As a result of these beneficial discussions, the MPD Canine Unit has initiated a number of activities that are discussed in more detail later in this report. MPD also revised the approved Canine Teams General Order and submitted it to DOJ on June 4, 2003. It is hoped that the revised order will clarify some of the policy issues that have been raised. MPD continues to be committed to ensuring the success of the Canine Unit in implementing the various provisions in the MOA. MPD is very proud of the effort that the Canine Unit has put forward in addressing concerns as they arise.

In addition to the activities discussed above, the Metropolitan Police Department continued approved-policy implementation activities, submitted additional deliverables,

revised draft policies and procedures, and continued to work with the Office of Citizen Complaint Review (OCCR) to revise the Memorandum of Understanding (MOU) between the two agencies (MOA Paragraph 85).

Finally, the Independent Monitor and his representatives have continued to examine various aspects of the MPD in order to document the Department's progress in MOA related areas. During this quarter, the OIM also began the task of defining of how they will measure "substantial compliance" for the MOA. Paragraph 182 of the MOA states that, "The Agreement shall terminate five years after the effective date of the Agreement if the parties agree that MPD and the City have substantially complied with each of the provisions of this Agreement and maintained substantial compliance for at least two years." The OIM held a very productive meeting this quarter with representatives from both the CMT and DOJ to discuss how best to approach defining substantial compliance for each of the MOA paragraphs. The OIM plans to move forward with drafting a compliance document, with significant input from both DOJ and MPD, over the coming months. MPD looks forward to this document being issued as it will help ensure MPD's efforts are focused on ensuring compliance with all paragraphs of the MOA.

The Metropolitan Police Department is proud of its recent Memorandum of Agreement compliance efforts, and is confident that MPD is well on its way to becoming a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

Compliance Monitoring Team

The Compliance Monitoring Team (CMT) was created by Chief of Police Charles H. Ramsey in February 2002, to ensure the timely implementation and compliance of the Memorandum of Agreement (MOA). The CMT falls under the Civil Rights & Force Investigations Division, located within the Office of Professional Responsibility. The CMT continued its activities during this reporting period, and coordinated a variety of Memorandum of Agreement efforts. Members of the Compliance Monitoring Team also worked closely with the Department's new PPMS project leaders and other stakeholders on PPMS-related aspects of the Memorandum of Agreement.

The CMT has continued to provide support to various Department elements to assist them in completing MOA deliverables, and to facilitate compliance documentation. In addition, the CMT remains as the central repository for MPD's Memorandum of Agreement documents, and has been documenting and transmitting draft policies and other deliverables to DOJ and the Office of the Independent Monitor (MOA Paragraph 173).

The Compliance Monitoring saw the departure of Inspector Joshua Ederheimer during this reporting period. Inspector Ederheimer served as the Director of the Civil Rights and Force Investigation Division and has lead the CMT since its inception. Inspector Ederheimer has provided strong, effective leadership for MPD in its MOA efforts. In May, he was re-assigned as a Captain to the MPD Institute of Police Science (IPS)

Captain Matthew Klein, Commanding Officer of the Force Investigation Team (FIT), has been appointed Acting Director of the Civil Rights and Force Investigation Division. In this role, Captain Klein will lead MPD's MOA compliance efforts.

where he will be serving as their Deputy Director. Although he will be missed, Captain Ederheimer will continue to ensure that the MOA is infused throughout IPS operations in his new role.

Captain Matthew Klein, Commanding Officer of the Force Investigation Team (FIT), has been appointed Acting Director of the Civil Rights and Force Investigation Division. In this role, Captain Klein will lead MPD's MOA compliance efforts.

Finally, the CMT has continued to monitor costs associated with the Office of the Independent Monitor, and maintained its relationship with the D.C. Office of Contracting and Procurement to ensure accountability.

This quarter marked the beginning of the second year of monitoring for the OIM. The final monitoring costs for the first year were 18% less than the cost that had been projected.

General Orders and Policies

Previously, the U.S. Department of Justice approved several seminal use-of-force related policies. They included:

- Use of Force (MOA Paragraphs 37-40)
- Use of Force Investigations (MOA Paragraph 53)
- Use of Force Incident Report (MOA Paragraph 53)
- Handling of Service Weapons (MOA Paragraphs 41 and 43)
- Canine Teams (MOA Paragraphs 45 and 46)
- Oleoresin Capsicum Spray (MOA Paragraphs 47-50)
- Force Related Duty Status Determination
- Carrying Weapons and Transporting Prisoners Aboard Aircraft
- Use of Force Review Board (MOA Paragraph 67)
- The Office of Internal Affairs Operational Manual (MOA Paragraph 72)

Pending Reengineered Policies

During this reporting period, the Metropolitan Police Department and the U.S. Department of Justice exchanged a variety of detailed correspondence concerning numerous draft Department policies and procedures. They are listed in order of last activity unless otherwise noted. A status matrix containing all of the MOA paragraphs is submitted as an attachment with this report.

The Metropolitan Police Department submitted a draft *Specialized Mission Units General Order* (MOA Paragraphs 149-158) to DOJ on October 4, 2002. DOJ provided comments on the order on January 31, 2003. MPD provided a revised draft of the order on June 30, 2003.

The Metropolitan Police Department submitted a draft plan for a *Community Outreach Program for Filing Citizen Complaints* (MOA Paragraph 91) to DOJ on September 27, 2002. DOJ provided comments on that order on January 31, 2003. MPD provided a revised draft of the order on June 30, 2003.

MPD also submitted a revised version of its approved Canine Teams General Order (MOA Paragraphs 45 and 46) to DOJ for review on June 4, 2003.

MPD is pleased to report that a draft *Disciplinary Policy* (MOA Paragraph 105) was submitted to DOJ for review on May 19, 2003. It is noted that the draft policy was due to DOJ during the renegotiated period of the week of November 17, 2002. However, as previously reported, MPD shared a draft of the order with the Fraternal Order of Police (FOP) for comment. The FOP indicated that they had concerns with aspects of the draft order. MPD chose to delay the submission of the draft order to address the FOP's concerns. Over the past few months, MPD has worked with the FOP to resolve these issues. MPD believes that the interaction with the FOP has been beneficial, and that addressing many of the FOP's concerns now will ease implementation efforts once the final draft is approved.

MPD is pleased to report that a draft *Disciplinary Policy* (MOA Paragraph 105) was submitted to DOJ for review on May 19, 2003.

The Metropolitan Police Department submitted a draft *Enhanced Performance Evaluation System Protocol* (MOA Paragraph 118) to DOJ on November 8, 2002. DOJ provided comments on the protocol on May 2, 2003. MPD is currently working on incorporating those comments.

The Metropolitan Police Department submitted the *Force Investigation Team Operational Manual* (MOA Paragraph 57) to DOJ on February 5, 2002. DOJ replied with detailed comments on August 12, 2002. MPD submitted a revised draft to DOJ on November 1, 2002. DOJ provided additional comments on March 26, 2003. MPD provided an updated draft on April 21, 2003.

The Metropolitan Police Department submitted a draft *Administrative Investigations Manual* (MOA Paragraph 83) to DOJ on October 25, 2002. DOJ provided comments on the Manual on March 26, 2003. MPD is currently working on incorporating those comments.

The Metropolitan Police Department submitted a draft *Serious Misconduct Investigations General Order* (MOA Paragraph 72) to DOJ on July 23, 2002. DOJ replied with detailed comments on September 13, 2002, and MPD submitted a revised draft to DOJ on November 22, 2002. DOJ replied with comments on January 31, 2003, and MPD submitted a revised draft to DOJ on March 7, 2003.

The Metropolitan Police Department submitted a draft *Chain of Command Misconduct Investigations General Order* (MOA Paragraph 83) to DOJ on November 1, 2002. DOJ provided comments on the order on January 31, 2003. MPD is currently working on incorporating those comments into the order.

The Metropolitan Police Department submitted a draft *Citizen Complaint General Order* (MOA Paragraph 94) to DOJ on October 4, 2002. DOJ replied with detailed comments on November 25, 2002. MPD forwarded the draft to the District of Columbia Office of Citizen Complaint Review (OCCR) on December 27, 2002. The Office of Citizen Complaint Review provided their comments to MPD on January 17, 2003. MPD is currently working on incorporating their comments. It is noted there continues to be extensive interaction between the MPD and OCCR during this quarter. This interaction is described later in this report.

The Metropolitan Police Department submitted a draft *Enhanced Field Training Officer Program Protocol* (MOA Paragraph 121f) to DOJ on December 6, 2002.

The Metropolitan Police Department submitted a draft *Canine Operations Manual* (MOA Paragraph 147) to DOJ on November 27, 2002.

In addition, on November 27, 2002, MPD submitted a draft plan to comply with the requirements of MOA Paragraph 159. The plan involves limiting the number of hours an officer may work in any twenty-four hour period. The MOA notes that all parties acknowledge that the implementation of such a policy may consider any limitations related to labor agreements. During this last quarter, a draft general order was developed for internal staffing. MPD will continue its efforts in developing this policy during the next quarter.

MPD is also working on the completion of a policy to address the amendment approved by the District of Columbia City Council that permits MPD's Chief of Police to designate his own policy as to when off-duty officers are required to carry their service pistols in the City (MOA Paragraph 42). The amendment, entitled the "Off-Duty Service Pistol Authorization Amendment Act of 2002," was contained in the Fiscal Year 2003 Budget

Support Act of 2002 and became law on October 1, 2002. MPD expects the policy to be issued during the next reporting period.

Timelines

In September 2002, the Metropolitan Police Department and U.S. Department of Justice negotiated new deliverable timelines and agreed to a modification of the MOA. The only remaining timeline issues to be renegotiated surround the Personnel Performance Management System (PPMS). As discussed in the last quarterly report, Chief Ramsey implemented major changes within the Department's Information Technology Division, and appointed new executives to spearhead the PPMS project. MPD has continued to work with DOJ during this quarter to renegotiate the deadlines surrounding the PPMS-related deliverables of the MOA. An updated status of the PPMS project is included later in this report.

Use of Force Incident Report

As previously reported, the development and implementation of the Use of Force Incident Report (UFIR) raised numerous issues for the Metropolitan Police Department.

The UFIR form continued to raise concerns among the Fraternal Order of Police and the rank and file. In the early stages of implementation, MPD had engaged in several activities to inform members about the form and its purpose. However, most members involved in a force incident (or a pointing of a firearm at a person) declined to fill out the form until a declination was issued by the U.S. Attorney's Office for the District of Columbia (USAO) or a "Reverse-Garrity" warning was authorized.

MPD realized that it needed to develop procedures in order to address this situation. After lengthy consultations with DOJ and the USAO, a new policy was developed in which specified managers of the Force Investigation Team were authorized to issue "Reverse-Garrity" warnings in limited circumstances after designated information was obtained. Further, MPD and the USAO identified specific criteria to be met for a USAO review and "Reverse-Garrity" situations. During this reporting period, there have been eight "Reverse Garrity" warning authorizations by FIT managers.

Further, on November 20, 2002, MPD submitted proposed revisions of the UFIR form to the DOJ. MPD had obtained feedback from officers that the form, particularly the layout, was complicated and confusing. MPD believed that such confusion contributed to officer frustration with the UFIR. As a result, MPD updated and reformatted the UFIR form, and submitted the proposed form along with a detailed explanation for each proposed change. On March 19, 2003, the DOJ provided detailed written feedback on the proposed form. MPD is currently assessing the comments and making adjustments to the draft revised form.

Finally, as previously reported, MPD sought to amend the reporting requirements for the UFIR form as it related to select MPD Specialized Units for incidents when multiple members of those units point their service weapon under specific enumerated circumstances. Specifically, MPD is concerned about delays in operational efficiency when numerous members are engaged in specific activity where it is expected (or at least a likelihood) that most (if not all) members would be pointing their weapons (such as in a high risk warrant situation).

In a letter sent to DOJ on March 5, 2003, MPD proposed that members involved in such an incident would be exempt from having each member complete a UFIR. Instead, a unit manager would complete an "After Action Documentation Report." The Report would consist of a form with a memorandum from the unit manager to the Assistant Chief of the Office of Professional Responsibility thru the Assistant Chief of Operational Services (EAC). The unit manager would have to obtain the OPR CS Number and supply the names of all the officers in accordance with current procedures. MPD looks forward to DOJ's comments on this request.

Communications & Community Outreach

On July 26, 2002, the Metropolitan Police Department Office of Corporate Communications submitted a communications plan to DOJ regarding the Memorandum of Agreement. However, subsequent to that date, new outreach deliverable timelines were agreed upon. A revised communications plan reflecting the new outreach dates was completed and submitted to DOJ on November 1, 2002.

The Metropolitan Police Department Office of Corporate Communications has been the primary generator of MOA-related communications materials and activities. The Command Staff of MPD and the Compliance Monitoring Team have also played an active role in MOA communications activities.

Communication activities have involved both internal and external stakeholders. They have involved sharing information about the MOA, new Department policies and procedures, as well as processes for filing citizen complaints.

Members of the Command Staff continue to receive MOA updates at Chief Ramsey's bi-monthly Command Staff meetings, as well as at Executive Assistant Police Chief Michael J. Fitzgerald's Command-level meetings. In addition, during this quarter MPD completed its "Sergeant & Above" training on the Department's new use of force policies. The training, developed

...during this quarter MPD completed its "Sergeant & Above" training on the Department's new use of force policies.

by the Institute of Police Science (IPS) for supervisors (sergeants, lieutenants, captains, and inspectors) was comprised of a DOJ-approved curriculum. Complimenting this training was Chief Ramsey's 18-minute videotape that highlighted key aspects of the new MOA-related policies and procedures. Also provided at the training was a *Frequently Asked Questions* (FAQ) paper that had also been approved by DOJ.

The new Citizen Complaints and Use of Force section on the MPDC website launched earlier this year continues to be a source for providing information to the public regarding MPD's efforts. During this quarter, the MOA-specified quarterly statistics on use of force were posted for the period of January 1, 2003 through March 31, 2003 (MOA Paragraph 160). The Force Investigation Team's Annual Report was also published on the web during this quarter. The report contains an annual review of all use of force cases including the findings of the Use of Force Review Board (MOA Paragraph 67). MPD is also continuing to incorporate discussions of the use of force and citizen complaints into outreach activities such as the May 3, 2003 Latino Community Assembly. The theme of the Assembly was, "A Dialogue Between Latinos and Police – Commemorating the 12th Anniversary of the Mount Pleasant Disturbances." The Director of the Civil Rights and Force Investigation Division attended the event to address community questions and concerns around these issues.

The MPD continues to embrace the concept of multiple conduits for citizens to file citizen complaints. In addition to traditional complaint reporting methods, citizens can call a toll free telephone number (800-298-4006), email complaints to oprcompl@mpdc.org, and hearing impaired stakeholders can file complaints via TDD at 202-898-1454. Detailed specific information on how to file a citizen complaint is now available on the MPD website.

Finally, MPD submitted a revised copy of the Special Order "Community Outreach Program for Filing Citizen Complaints" to DOJ on June 30, 2002. The revised order incorporated comments from DOJ's January 31, 2003 correspondence. The order will establish procedures and a schedule for conducting meetings with the public that address both the MOA as well as the citizen complaint process. MPD looks forward to DOJ's comments.

Office of Citizen Complaint Review (OCCR)

In the District of Columbia, police complaint procedures involve both the Metropolitan Police Department and the Office of Citizen Complaint Review (OCCR). The District government enacted a law in 1999 establishing the Office of Citizen Complaint Review (OCCR) and the governing Citizen Complaint Review Board (CCRB). The mission of the agency is to investigate, settle and adjudicate complaints of misconduct filed by the public against officers of the Metropolitan Police Department in an independent, fair and timely manner.

Previously, a Memorandum of Understanding (MOU) was signed by representatives of both agencies on September 28, 2002. The MOU addressed information sharing, training, complaint intake & referral, witness interviews, and other items. Additionally, MPD has included information and links to the OCCR on its website, and has included information about the OCCR in its printed materials.

The Court Liaison Division has confirmed that OCCR will be able to use MPD's court notification system (CANS) for notifying officers of OCCR appearances.

It is noted that DOJ and the OIM have identified conflicts within the Memorandum of Understanding that do not comport with enumerated requirements in the MPD-DOJ Memorandum of Agreement. Further, many jurisdictional and process disagreements remained between the agencies, despite the signing of the Memorandum of Understanding. As previously reported, on March 18, 2003, the DOJ hosted an initial meeting with representatives from MPD and OCCR to discuss various issues.

During this quarter, representatives from each agency met to review the revised draft Memorandum of Understanding and to discuss outstanding issues. Meetings took place on April 1, 2003; April 23, 2003; May 16, 2003; and June 24, 2003. MPD and OCCR feel that the meetings were very productive. Both agencies were able to agree to a number of revisions to the MOU, including in the areas of information exchange and complaint referral. MPD is confident that these revisions will result in an MOU that fully comports with the Memorandum of Agreement and that creates a solid blueprint for the agencies exchange of information.

During this quarter, MPD and OCCR have also been working with MPD's Court Liaison Division to automate the notification of officers regarding required OCCR appearances. The Court Liaison Division has confirmed that OCCR will be able to use MPD's court notification system (CANS) for notifying officers of OCCR appearances. We feel that this process will greatly streamline the current notification process and will also increase accountability.

Both agencies have worked hard this quarter to revise the MOU, and MPD and OCCR have agreed to meet in early July to finalize the MOU for submission to DOJ. MPD notified DOJ regarding progress on the MOU during this quarter on June 30, 2003. A copy of that letter is included in the appendix of this report.

I n v e s t i g a t i o n s

Use of force and police officer misconduct investigations fall under the purview of the Office of Professional Responsibility (OPR). Within OPR, there are two primary organizational elements that conduct investigations: The Force Investigation Team that

handles instances of police use of force, and the Office of Internal Affairs that handles allegations of significant alleged police misconduct.

Use of Force

Chief of Police Charles H. Ramsey established the Force Investigation Team (FIT) in January 1999. The Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized internationally for its high quality investigations and unique approach to use of force issues. The most recent report from the Office of the Independent Monitor indicated that the OIM, "...continue(s) to be favorably impressed with the quality, thoroughness, and consistency of FIT's investigations."¹

Previously, investigative protocols were established to comply with the requirements of the Memorandum of Agreement. A copy of the revised Force Investigation Team Organizational Plan and Operations Manual reflecting these protocols was submitted to the Department of Justice on February 5, 2002, and to the Independent Monitor on April 8, 2002. On August 12, 2002, the MPD received detailed comments from DOJ regarding the FIT operational manual. MPD submitted a revised draft to DOJ on November 1, 2002. On March 26, 2003, DOJ provided MPD with additional comments on the manual. Modifications related to those changes were incorporated into the manual and the manual was resubmitted to DOJ on April 21, 2003. MPD looks forward to DOJ's comments.

On June 25, 2003, members of the FIT II Team attended the Canine Unit's retraining... Eleven investigators and their supervising lieutenant attended the session.

On June 25, 2003, members of the FIT II Team attended the Canine Unit's retraining. During the training, FIT members observed canine teams engaged in article searches, open field commands, suspect apprehension and recall, and off-lead tracking. Eleven investigators and their supervising lieutenant attended the session. FIT is committed to providing their investigators with continuing training and also wanted to be responsive to the suggestion raised by handlers in the last OIM report that FIT investigators could benefit from attending canine training.²

Finally, members of the Force Investigation Team attended the remaining sessions for the "Sergeants and Above" training on use of force. A member of the Force Investigation Team was assigned to attend each training session to provide expertise and offer clarification on various force-related issues.

¹ Fourth Quarterly Report of the Office of the Independent Monitor for the Metropolitan Police Department, April 29, 2003, page 3.

² Fourth Quarterly Report of the Office of the Independent Monitor for the Metropolitan Police Department, April 29, 2003, page 25.

Office of Internal Affairs

MPD's Office of Internal Affairs (OIA) had submitted a draft *Office of Internal Affairs Operational Manual* to DOJ on July 26, 2002. DOJ replied with detailed comments on October 17, 2002. MPD submitted a revised draft to DOJ on December 3, 2002. On March 26, 2003, DOJ notified MPD that they had approved the manual. The manual was issued to Office of Internal Affairs investigators and supervisors on April 7, 2003.

It is noted that the Office of the Independent Monitor has been continuously reviewing both FIT and OIA investigative reports. During this quarter, the OIM finalized their random selection of misconduct cases that will be reviewed by their police practice experts. The sample consists of 240 misconduct investigations, where 30 misconduct investigations are randomly selected from each of the seven primary MPD assignments (the seven police districts) and 30 misconduct investigations are randomly selected from the remaining MPD assignments grouped together. The OIM has coordinated with MPD and has started reviewing the cases this quarter. MPD looks forward to receiving feedback from the OIM on their review.

P o l i c e C a n i n e T e a m s

On May 4, 2000 the Metropolitan Police Department implemented an interim canine policy and began the initiation of significant improvements in its canine operations. The Department of Justice acknowledged these improvements in Paragraph 44 of the Memorandum of Agreement. DOJ approved MPD's "Canine Teams" General Order, and that policy was implemented in October 2002.

In addition, MPD's submitted its comprehensive Canine Lesson Plan and Training Curriculum to DOJ on October 4, 2002 (MOA Paragraph 145). A *Canine Operations Manual* was also developed (MOA Paragraph 147). A draft of the manual, which institutionalizes almost all MPD canine issues into one document, was completed and submitted to DOJ on November 27, 2002.

MPD is pleased with the progress of the implementation of the new "Canine Teams" General Order, and is extremely satisfied with the creation of the new Canine Operations Manual. However, as reported in the last quarterly report, the Office of Professional Responsibility conducted an assessment of MPD police canine incidents that occurred since the institution of the second Force Investigation Team in January 2002. While the overwhelming number of canine bites were justified and within policy, the assessment did raise some questions concerning on-lead canine bites and warning announcements related to canine deployment. Further, issues were raised concerning

the shifts and squads involved in canine bite incidents. In response to these concerns, the Commander of the Special Operations Division (SOD) began to institute changes within the Canine Unit. The OIM also raised several concerns in their most recent quarterly report.³

During this quarter, meetings were held between the Department of Justice and the MPD to discuss these canine issues and to explore possible revisions to the approved "Canine Teams" General Order. On April 30, 2003, a meeting was held at the Department of Justice to discuss these concerns. The SOD Commander as well as representatives from the Canine Unit and the CMT attended the meeting. An additional meeting was held between the Chief of the Special Litigation Section of the DOJ Civil Rights Division and Chief Ramsey on May 6, 2003.

As a result of the MPD's self-initiated assessment, the issues raised by DOJ and the OIM, and the meetings that were held this quarter, the SOD Commander and the Canine Unit have been initiating changes in order to continually improve the operations of the Unit. A summary of the changes is included in this section.

The canine training staff has enhanced their training to include instruction on new concepts to assist canine handlers in their decision-making. The concepts are outlined below.

- The canine training staff has begun instructing on what is called a **"Transition Point."** This is the point that the handler realizes that his or her dog has tracked the suspect to a point that may require the handler to reassess his or her method of deployment. For example, this would include tracking a suspect to a building where the suspect has concealed himself. The "Transition Point" concept would require the handler to change from an on-lead track to an open seek. This would also require the handler to repeat the warning to allow the suspect to surrender.
- Additional classroom instruction has also been added to cover two new areas. The first area of instruction is called a **"Decision Point."** The training staff is now reinforcing to handlers that at some point during the deployment, provided there are no unforeseen threats, it will be necessary to reassess what level of force is required. During this instruction, handlers are asked to discuss options in making apprehensions without bites and how to deal with passive resistance. This exercise is designed to bring forth open dialog between handlers and instructors. By discussing these options, handlers learn to employ alternative methods of apprehension.

³ Fourth Quarterly Report of the Office of the Independent Monitor for the Metropolitan Police Department, April 29, 2003.

Secondly, classroom instruction has been included to ensure that all handlers can accurately articulate the mission of the Canine Unit as well as the definition of Handler-Controlled Alert Methodology.

The Canine Unit has also started developing scenarios for the Range 2000 training system (a computer based simulator) that will help the handler make split-second decisions during deployment situations. This exercise uses the same technology that is currently employed by the range staff to assist officers in making deadly force decisions.



Figure 1: Example MPD Canine Unit Training Card showing MPD canine Sonny.

Additionally, to enhance community relations, the Canine Unit has started an aggressive educational campaign targeted at the city's youth. Over the past few months the unit has been asked to provide public demonstrations at several neighborhood functions around the city. In order to increase the interaction between MPD handlers and City youth at these events, MPD is in the process of purchasing trading cards for each MPD canine team. The

information on the back of the cards will help the unit disseminate valuable information about the purpose of the canine and how to react when approached by a canine, as well as crime solving tips. MPD hopes that by summers end, close to 120,000 trading cards will be disseminated. Figure 1 shows a sample of one of the training cards.

As discussed earlier in the report, MPD also submitted a revised Canine Teams General Order to the Department of Justice to review on June 4, 2003. We look forward to DOJ's comments. The Canine Unit has also been reinforcing to handlers that they ensure that they give the complete warning (as written in the General Order) before deploying their canine.

MPD, and the Canine Unit in particular, have worked very hard during this quarter to address the concerns raised internally and by the OIM and DOJ. MPD feels that the training enhancements discussed above as well as the proposed policy revisions will help to resolve any remaining issues. MPD continues to be committed to ensuring that

the Canine Unit's policies and practices adhere to the requirements and to the spirit of MOA.

Finally, MPD is pleased to announce that on June 13, 2003, the Canine Unit graduated five new canine teams that will serve in the Canine Unit. The graduation ceremony included a demonstration by the graduates that highlighted the teams' skills. Figure 2 shows a newly graduated canine team during the skills demonstration.

Representatives from DOJ's Civil Rights Division attended the ceremony. Also in attendance was Stacy Hillman. Ms. Hillman founded the "Pennies for Police Dogs" program three years ago, at the age of 10. "Pennies for Police Dogs" is a non-profit charity program whose mission is to buy all police dogs bulletproof and stab resistant vests. Pennies for Police Dogs has raised over \$200,000 and has provided 239 vests to 84 law enforcement agencies in 15 states and territories. Stacy received a special award or recognition to thank her for the twenty vests that she has provided to MPD canines.



Figure 2: Skills Demonstration from the June 13, 2003 Canine Graduation Ceremony

Training

Training and education are key aspects of the Metropolitan Police Department's Use of Force management. Accordingly, the IPS is tasked with the responsibility to train members of the Department on the reengineered policies (MOA Paragraphs 84 and 129).

IPS has continued to update various MOA-related lesson plans. Pursuant to MOA Paragraph 119, MPD submitted eleven (11) lesson plans that comprise its use of force curriculum to DOJ on July 24, 2002. The following lesson plans were submitted:

- ASP Tactical Baton Training Program
- Close Quarter Combat
- Controlled F.O.R.C.E.
- Ground Fighting
- Handcuffing
- Krav/Maga
- OC Spray
- Officer Street Survival
- Pistol Qualification
- Use of Force Continuum
- Verbal Judo

Additionally, IPS completed development of sixteen (16) lesson plans in September 2002 for in-service training. The following lesson plans were created and forwarded to DOJ:

- Administrative Misconduct Investigation Policy & Procedures using the Preponderance of Evidence Standard
- Arrest, Custody, and Restraint Procedures
- Bias-related Hate Crimes – **DOJ APPROVED 05-16-03**
- Canine Policies and Procedures
- Command Accountability – **DOJ APPROVED 11-25-02**
- Communication and Interpersonal Relationship Skills – **DOJ APPROVED 11-25-02**
- Crime Scene Preservation – **DOJ APPROVED 05-16-03**
- Cultural Diversity and Sensitivity Awareness
- Defensive Tactics – **DOJ APPROVED 05-16-03**
- Ethics, Integrity, and Professionalism – **DOJ APPROVED 11-25-02**
- Interview and Interrogation
- Theories of Motivation and Leadership – **DOJ APPROVED 11-25-02**
- Use of Force and Use of Force Continuum (with manual)
- Use of Force Incident Report Form

- Use of Force Review Board
- Verbal Judo Recertification – **DOJ APPROVED 11-25-02**

As noted above, several of the lesson plans were approved by DOJ on November 25, 2002. DOJ also provided additional comments on both the In-Service Lesson Plans and on the Use of Force Curriculum Lesson Plans on November 25, 2002. On March 19, 2003, MPD submitted ten (10) revised lesson plans to DOJ. DOJ provided comments on May 16, 2003 on the lesson plans that were submitted. They approved three of the lesson plans (as noted above), and provided further comment on the remaining lesson plans. MPD is currently working on incorporating those comments.

As mentioned earlier in the report, on March 19, 2003, due to the onset of the war with Iraq and the high risk of terrorist attacks as outlined in the National Threat Level System, Chief Ramsey declared an emergency. Accordingly, Chief Ramsey instituted a variety of measures, including the temporary suspension of all training with the exception of recruit training.

Chief Ramsey lifted the emergency on April 15, 2003, and MPD completed its *"Sergeant & Above"* training on the Department's new use of force policies. The training, developed by the Institute of Police Science (IPS) for supervisors (sergeants, lieutenants, captains, and inspectors) is comprised of a DOJ-approved curriculum. Complementing this training was Chief Ramsey's 18-minute videotape that highlighted key aspects of the new MOA-related policies and procedures. Also provided at the training was a *Frequently Asked Questions* (FAQ) sheet on the Use of Force Incident Report that had also been approved by DOJ.

The training was structured in two-hour formats and was presented twice daily in police facilities throughout the City in order to reach all Department units. The training was conducted by members of IPS who had attended "train the trainer" sessions (along with members of the Force Investigation Team). FIT members augmented the instructors at sessions and were available to provide expert support.

Personnel Performance Management System

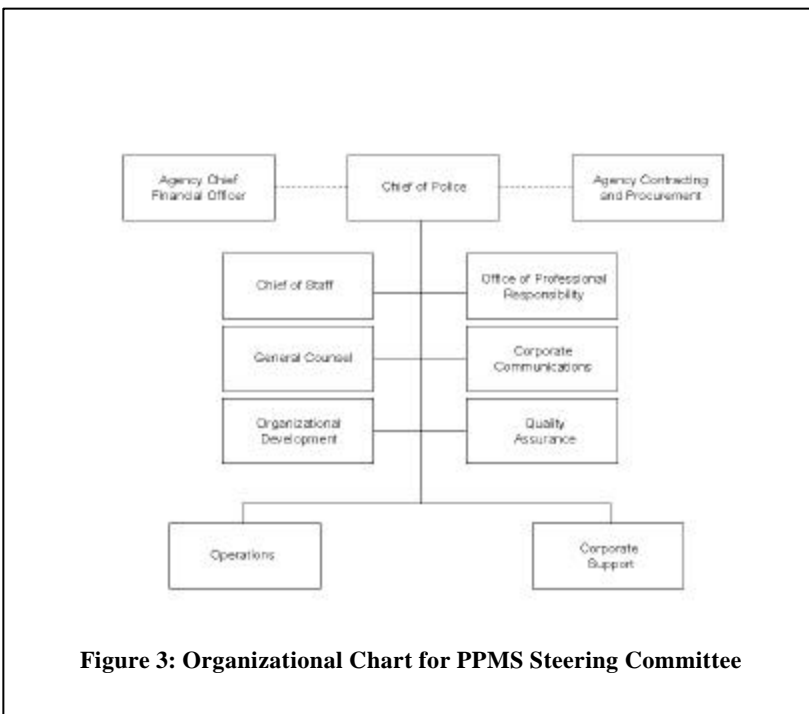
The Metropolitan Police Department and the District of Columbia have committed to develop and fully implement a computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of the Police Department and its personnel. The system has been designated the *Personnel Performance Management System (PPMS)*. The computerized data compiled as part of the PPMS will be used regularly and affirmatively by the Metropolitan Police Department to promote civil rights integrity and best professional police practices.

The Metropolitan Police Department has previously been awarded a \$500,000.00 grant from DOJ's Community Oriented Policing Services (COPS) Office. The grant (award #2001CKWXK090), will be used to partially fund the new system.

As previously reported, on March 26, 2003, DOJ submitted a letter to MPD indicating their concerns with MPD's progress on the PPMS project. MPD acknowledges that it has not met the original PPMS timetables set forth in the agreement, and Chief Ramsey has not been satisfied with the progress made on the project. He recognized that the Department's efforts in this area needed to be enhanced.

Accordingly, Chief Ramsey reorganized the MPD Information Technology Division (MPD-IT), and appointed a new Chief Information Officer (CIO) who reports directly to him. In turn, the CIO appointed a Director for the PPMS project to ensure that the PPMS program is treated as a priority. The Director of the PPMS Project has established and staffed a Project Management Office (PMO) for PPMS that will be devoted to acquiring the PPMS solution and ensuring the system is implemented effectively. Chief Ramsey has also taken a more active role in personally overseeing the project.

Beginning in April, Chief Ramsey established weekly meetings with the CIO, the PPMS Project Director, and the PPMS Steering Committee so that he can be briefed on progress with PPMS efforts. The Steering Committee is composed of command staff members of the MPD that will provide guidance and oversee the work of the PPMS Project Team. Figure 3 shows the organizational elements represented on the PPMS Steering Committee.

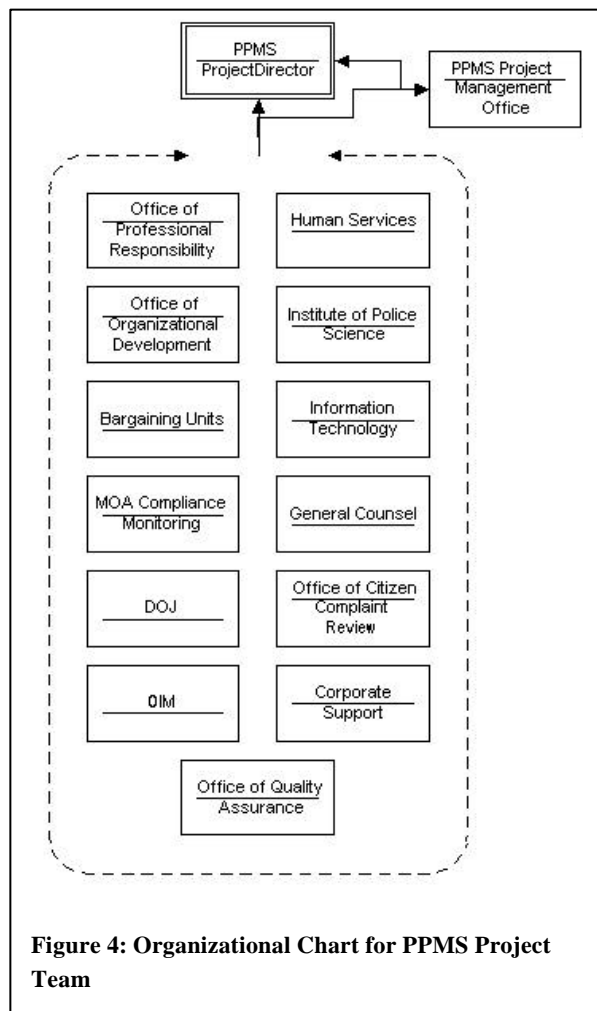


This reporting period has been a busy one with regard to MPD's PPMS efforts. During the month of April, members of the PPMS Project Management Office met with DOJ-recommended vendors in order to conduct a market survey to identify potential commercial-off-the-shelf (COTS) products that would meet the requirements for PPMS.

Members of the PMO also worked on developing a project methodology, staffing plan, proposed

project schedule, and estimated budget that was presented to DOJ and the OIM on May 15, 2003. The purpose of the May 15, 2003 briefing was to demonstrate MPD's commitment to a more disciplined and structured project management methodology as well as to present MPD's vision for moving forward with the acquisition of PPMS. Chief Ramsey attended the briefing along with numerous members of the MPD Command Staff.

The briefing included a description of how MPD will be organizing itself for the project. The Steering Committee (described above) will provide guidance and oversee the work of the PPMS Project Team. The PPMS Project Team is composed of Department Subject Matter Experts that are tasked with creating and recommending changes to policies, procedures, business practices, as well as roles, responsibilities, and authorities during the acquisition and implementation of the PPMS system. Figure 4 represents the organizational elements that are currently represented on the PPMS Project Team. MPD anticipates organizational elements being added or subtracted as needed as we move further along in the project.



During this quarter, the PPMS PMO also issued a statement of work for the SMART Concept of Operations. SMART is the name for the MPD technology initiative that will include the procurement and development of a number of modules including PPMS. On June 27, 2003, MPD and OCP awarded Keane Consulting the contract to develop the Concept of Operations. Keane has already started interviewing various stakeholders internal and external to the Department including the CMT.

On June 6, 2003 MPD had also provided the OCP with a draft of the PPMS SOW for their use in preparing the Request for Proposals (RFP), and MPD is continuing to work with OCP to issue the statement of work as soon as possible. MPD has been assured that OCP will make PPMS one of their first priorities.

MPD is continuing work on the development of the PPMS Protocol (MOA Paragraph 111). MPD notified DOJ on April 4, 2003 that although substantial progress was made on a working draft of the protocol, internal

staffing raised numerous policy issues that needed to be addressed. The PPMS Project

Team has been tasked with addressing these issues and submitting policy recommendations to the Steering Committee and to the Chief of Police. The Project Team will be working on these issues during the next quarter.

Finally, members of MPD's Office of the Chief Information Officer and the CMT conducted a site visit to the Chicago Police Department on June 25 and June 26, 2003. The purpose of the visit was to see the Chicago's CLEAR Records Management System. CLEAR is designed around a data warehouse that emphasizes data sharing within the Department. MPD also met with Chicago officials regarding their CLEAR Personnel Suite that will serve as Chicago's version of a PPMS system. The trip was very informative and MPD was able to benefit from Chicago's "lessons-learned" regarding technology implementation as well as learn about their concepts for taking early warning systems to the next level. A copy of the agenda from the visit is included in the appendix of this report.

MPD-IT is continuing to treat the selection and implementation of the PPMS as a priority for the Department. MPD updated DOJ regarding its various PPMS-related activities this quarter and provided responses to questions from DOJ's June 18, 2003 letter on June 30, 2003. A copy of that letter is included in the Appendix of this report. The MPD also remains sensitive to DOJ's concerns about firm time lines for its implementation, and recognizes the need to negotiate new timelines in order to release it from a breach status.

Department of Justice

Since the creation of the Compliance Monitoring Team in February 2002, there has been interaction between the Metropolitan Police Department and the Department of Justice. Notwithstanding telephone calls and electronic messages, there have been numerous other contacts between the two Departments in order to continue established dialogue between the agencies.

DOJ has provided MPD with assistance by facilitating interaction with both the Office of Citizen Complaint Review and the United States Attorney's Office for the District of Columbia. DOJ has also helped MPD with project advancement and policy development on PPMS initiatives and with MPD's Canine Policy.

During this reporting period, representatives from MPD and DOJ met at the monthly "all-hands" meeting held at the Office of the Independent Monitor, as well as monthly DOJ

DOJ has also helped MPD with project advancement and policy development on PPMS initiatives and with MPD's Canine Policy.

and CMT Meetings that are held on the third Thursday of every month.

MPD and DOJ have continued regular communications through these meetings, telephone conversations, conference calls, and electronic mail. The level of cooperation between the MPD and DOJ remains high. MPD has also asked that DOJ provide a representative to the PPMS Project Team. Thus far, the DOJ Representative has attended all of the weekly Project Meetings. MPD is extremely pleased with the relationship that exists with the U.S. Department of Justice. The Metropolitan Police Department continues its partnership with the Department of Justice to jointly complete the requirements of this Memorandum of Agreement.

F r a t e r n a l O r d e r o f P o l i c e

The Fraternal Order of Police (FOP) is the Labor Union for all police officers, technicians, detectives, and sergeants on the Metropolitan Police Department. The Metropolitan Police Department recognizes the importance and value of including them in Memorandum of Agreement endeavors.

However, the relationship between MPD and the FOP has been difficult. The FOP had initially declined to participate in MOA-related endeavors, and has previously filed an Unfair Labor Practice (ULP) Complaint against the Metropolitan Police Department with the District of Columbia Public Employees Relations Board. The Labor Union cited alleged changes in terms and conditions of employment relating to the Memorandum of Agreement as the reason for the filing.

As stated in our last report, the PERB stated that the filing of the Unfair Labor Practice charge fell outside of the 120-day window established by PERB Rule 520.4 for filing such charges. The Hearing Examiner did not address the merits of the case. It is anticipated that FOP will appeal this decision.

However, the MPD and FOP continued dialogue on MOA-related issues during this reporting period. Specifically, MPD sought FOP input on the Department's draft Disciplinary policy and draft PPMS and early warning system component policies. MPD believes that this interaction has been beneficial, and will foster trust between the MPD and the FOP.

I n d e p e n d e n t M o n i t o r

The Memorandum of Agreement requires that the Metropolitan Police Department and the Department of Justice jointly select an Independent Monitor who will review, report,

and assist on matters related to the Agreement's implementation (MOA Paragraph 161). On March 28, 2002, the Metropolitan Police Department and the law firm of Fried, Frank, Harris, Shriver & Jacobson jointly announced that Michael R. Bromwich had been selected as the Independent Monitor. Mr. Bromwich is a partner at the firm, and is head of the internal investigations, compliance and monitoring practice group there.

The Independent Monitor completes and disseminates quarterly progress reports regarding MPD's Memorandum of Agreement compliance efforts. The next report is scheduled to be completed later this month. A copy of the report, along with past reports, are available at the Independent Monitor's website at www.policemonitor.org.

The Compliance Monitoring Team engaged in a myriad of activities to assist representatives from the Office of the Independent Monitor in gathering information for their report.

The Independent Monitor continues to host monthly "all-hands" meetings in which all MOA stakeholders meet, to include the Chief of Police, DOJ, the Office of Citizen Complaint Review, Office of the Corporation Counsel, and the Compliance Monitoring Team among others. These meetings occur on the first Monday of each month.

Moreover, the Compliance Monitoring Team also meets with representatives from the OIM on the third Monday of each month to informally discuss MPD's MOA-related activities.

Additionally, the Compliance Monitoring Team has been assisting the OIM by facilitating document and meeting requests throughout the agency.

During this reporting period, the Compliance Monitoring Team has been assisting the Independent Monitor to facilitate compliance activities including:

- Auditing use of force supervisor training courses
- Auditing canine unit training
- Auditing in-service training courses
- Reviewing accuracy of PAMS data
- Reviewing chain of command investigations
- Reviewing Office of Internal Affairs investigations
- Reviewing FIT investigations
- Reviewing accuracy of the Canine Unit's database
- Tracking the development of new policies

During this quarter, the OIM also developed a database to collect information regarding MPD investigations. The database was developed to collect quantitative information regarding the Monitor's review of both use of force and misconduct investigations. By collecting this information in a database, the OIM will be able to provide quantitative

reports and statistics regarding MPD's compliance with the investigative requirements of the MOA. MPD commends the OIM for undertaking this effort and looks forward to this information being included in future OIM reports.

The OIM held a very productive meeting this quarter with representatives from both the CMT and DOJ to discuss how best to approach defining substantial compliance for each of the MOA paragraphs.

As discussed earlier, the OIM has commenced defining how they will measure "substantial compliance" for the MOA. The MOA states that, "The Agreement shall terminate five years after the effective date of the Agreement if the parties agree that MPD and the City have substantially complied with each of the provisions of this Agreement and maintained a substantial compliance for at least two years."⁴ The OIM held a very productive meeting this quarter with representatives from both the CMT and DOJ to discuss how best to approach defining substantial compliance for each of the MOA paragraphs. The OIM plans to move forward with drafting a compliance document, with significant input from both DOJ and MPD, over the coming months. MPD looks forward to this document being issued as it will help ensure MPD's efforts are focused on ensuring compliance with all paragraphs of the MOA.

Finally, the Compliance Monitoring Team continues to closely monitor MPD's costs associated with the Office of the Independent Monitor. With the assistance of the D.C. Office of Contracting and Procurement and MPD's Accounts Payable office, the CMT continues to actively review OIM invoices to control costs and ensure accountability. And as discussed earlier in this report, this quarter marks the beginning of the second year of monitoring for the OIM. The final monitoring costs for the first year were 18% less than the cost that had been projected.

Other Activities

The Metropolitan Police Department recognizes its responsibility to share as much information as possible in the most efficient manner to Memorandum of Agreement stakeholders such as the Department of Justice and the Independent Monitor. The MPD will continue to engage in activities that place itself on the forefront of law enforcement civil rights activities.

During this quarter, CMT members attended two national conferences: the 2003 Police Executive Research Forum (PERF) Annual Meeting from April 9, 2003 to April 11, 2003 as well as the Second Annual National Community Policing Conference in Washington, DC from June 16, 2003 to June 18, 2003 that was sponsored by the DOJ Community

⁴ MOA Paragraph 182

Oriented Policing Services (COPS) Office. The PERF meeting highlighted Chicago Police Department's concept for its early warning system. The COPS conference presented an "Integrity and Public Trust" workshop track that included presentations on early warning systems, handling citizen complaints, and promoting ethics and integrity within law enforcement. The conference also included useful workshops on technology planning and implementation for law enforcement. Both conferences provided useful tools and information that will help MPD as we move forward with the MOA and more specifically, with the PPMS project.

The Metropolitan Police Department is committed to completing the balance of reforms contained in the Memorandum of Agreement. We are pleased with the significant progress that has already been made. The Metropolitan Police Department is confident that it is well on its way to becoming the national model on how to uphold the rule of law while using force only when and to the extent necessary.

A t t a c h m e n t s

- Chicago Police Department Site Visit Agenda, June 25-26, 2003.
- MPD-DOJ Memorandum of Agreement Completion Matrix Report, June 30, 2003
- Letter from MPD to DOJ regarding "OCCR and MPD Activities Update," MOA Paragraph 85, June 30, 2003
- Letter from MPD to DOJ regarding PPMS "June 18, 2003 DOJ Letter Regarding the PPMS Presentation," MOA Paragraph 107, June 30, 2003